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EIGHTY-FIRST LEGISLATIVE DAY
THURSDAY, APRIL 2, 2009

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Cameron, Goedde, Lodge, Pearce, and Stegner, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Michele Jenkins, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of April 1, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senator Cameron was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

[S 1176](#), [S 1177](#), [S 1178](#), [S 1179](#), [S 1180](#), and [S 1181](#) were referred to the Finance Committee.

April 1, 2009

The JUDICIARY AND RULES Committee reports that Enrolled [S 1005](#), as amended, [S 1006](#), as amended, [S 1007](#), [S 1017](#), as amended, as amended, [S 1042](#), [S 1066](#), [S 1076](#), [S 1078](#), [S 1106](#), and [S 1117](#) were delivered to the Office of the Governor at 2:12 p.m., April 1, 2009.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

April 1, 2009

The EDUCATION Committee reports out [H 245](#), [H 251](#), and [S 1165](#) with the recommendation that they do pass.

GOEDDE, Chairman

[H 245](#), [H 251](#), and [S 1165](#) were filed for second reading.

April 1, 2009

The RESOURCES AND ENVIRONMENT Committee reports out [S 1167](#), [S 1169](#), and [S 1185](#) with the recommendation that they do pass.

SCHROEDER, Chairman

[S 1167](#), [S 1169](#), and [S 1185](#) were filed for second reading.

April 2, 2009

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 244](#), as amended, with the recommendation that it do pass.

HILL, Chairman

[H 244](#), as amended, was filed for second reading.

Senator Goedde was recorded present at this order of business.

April 2, 2009

The FINANCE Committee reports out [S 1176](#), [S 1177](#), [S 1178](#), [S 1179](#), [S 1180](#), and [S 1181](#) with the recommendation that they do pass.

CAMERON, Chairman

[S 1176](#), [S 1177](#), [S 1178](#), [S 1179](#), [S 1180](#), and [S 1181](#) were filed for second reading.

April 2, 2009

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Carla R. Campo to the Idaho Bingo-Raffle Advisory Board, term to expire January 7, 2012.

MCKENZIE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

April 1, 2009

Dear Mr. President:

I return herewith [S 1126](#), [S 1053](#), as amended, [S 1122](#), [S 1123](#), [S 1011](#), [S 1132](#), [S 1074](#), as amended, as amended, [S 1097](#), [S 1134](#), and [S 1142](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1126](#), [S 1053](#), as amended, [S 1122](#), [S 1123](#), [S 1011](#), [S 1132](#), [S 1074](#), as amended, as amended, [S 1097](#), [S 1134](#), and [S 1142](#) were referred to the Judiciary and Rules Committee for enrolling.

April 1, 2009

Dear Mr. President:

I transmit herewith Enrolled [HCR 29](#), [HCR 12](#), [HCR 22](#), [H 65](#), as amended, [H 164](#), [H 168](#), and [H 124](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [HCR 29](#), [HCR 12](#), [HCR 22](#), [H 65](#), as amended, [H 164](#), [H 168](#), and [H 124](#) and ordered them returned to the House.

April 1, 2009

Dear Mr. President:

I return herewith Enrolled [S 1003](#), [S 1008](#), and [S 1138](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1003](#), [S 1008](#), and [S 1138](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senators Lodge and Stegner were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, Senate Rule 46(A) was suspended to allow guests on the Senate floor. The President appointed a committee consisting of Senators Darrington and Bilyeu to escort the family and friends of M. Allyn Dingel for the presentation of [SCR 111](#).

The President announced that [SCR 111](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Davis, seconded by Senator Kelly, [SCR 111](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President thanked the family and friends of M. Allyn Dingel for their attendance and Senators Darrington and Bilyeu escorted them from the Chamber, and the Committee was discharged.

On request by Senator Davis, granted by unanimous consent, [HJM 4](#) retained its place on the calendar for one legislative day.

The President announced that [HJM 7](#) was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by President Pro Tempore Geddes, seconded by Senator Fulcher, [HJM 7](#) was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The President announced that the State Affairs Committee report relative to the Gubernatorial appointment of Charles L. Winder was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator McKenzie, seconded by Senator Werk, the Gubernatorial appointment of Charles L. Winder as a member of the Idaho Endowment Fund Investment Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the State Affairs Committee report relative to the Gubernatorial appointment of Rayelle Anderson was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Jorgenson, seconded by Senator Goedde, the Gubernatorial appointment of Rayelle Anderson as a member of the Bingo-Raffle Advisory Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1182**BY JUDICIARY AND RULES COMMITTEE****AN ACT**

RELATING TO MOTOR VEHICLE REGISTRATION AND LICENSE PLATES; AMENDING SECTION 49-402, IDAHO CODE, TO REVISE PROVISIONS RELATING TO INITIAL PROGRAM FEES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-402C, IDAHO CODE, TO REVISE PROVISIONS RELATING TO APPLICATION OF LAW; AND AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-402D, IDAHO CODE, TO PROVIDE

THAT ANY ORGANIZATION SEEKING TO PARTICIPATE IN THE SPECIAL LICENSE PLATE PROGRAM SHALL BE REQUIRED TO COMPLETE AN APPLICATION PROCESS, TO DEFINE A TERM, TO PROVIDE FOR AN EXCEPTION, TO PROVIDE REQUIREMENTS, TO PROVIDE FOR RULES, TO PROVIDE ADDITIONAL REQUIREMENTS, TO PROVIDE THAT THE DEPARTMENT SHALL SUBMIT COMPLETED APPLICATIONS TO THE GOVERNOR'S OFFICE, TO PROVIDE FOR A REPORT AND TO PROVIDE FOR AN APPEAL.

S 1183
BY JUDICIARY AND RULES COMMITTEE
AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION; AMENDING SECTION 49-402, IDAHO CODE, TO PROVIDE FOR PROVISIONS RELATING TO WRECKER PLATES; AND AMENDING SECTION 49-428, IDAHO CODE, TO PROVIDE FOR THE DISPLAY OF A WRECKER PLATE.

S 1184
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE COMMISSION FOR REAPPORTIONMENT; AMENDING SECTION 72-1502, IDAHO CODE, TO PROVIDE THAT A PERSON WHO HAS SERVED ON A COMMISSION FOR REAPPORTIONMENT SHALL BE PRECLUDED FROM SERVING ON A FUTURE COMMISSION FOR REAPPORTIONMENT UNLESS THE COMMISSION IS RECONSTITUTED BECAUSE A COURT OF COMPETENT JURISDICTION HAS INVALIDATED A PLAN OF THE COMMISSION AND THE COMMISSION IS REQUIRED TO MEET TO COMPLETE A REAPPORTIONMENT OR REDISTRICTING PLAN AND TO CLARIFY THE DATE OF APPLICATION ON THE LIMITATION; AMENDING SECTION 72-1506, IDAHO CODE, TO REVISE CRITERIA FOR REAPPORTIONMENT OR REDISTRICTING PLANS; AND PROVIDING SEVERABILITY.

S 1182, S 1183, and S 1184 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1171, S 1172, S 1173, and S 1174, by Finance Committee, were read the second time at length and filed for third reading.

H 262, by Education Committee, was read the second time at length and filed for third reading.

H 229 and H 194, as amended in the Senate, by State Affairs Committee, were read the second time at length and filed for third reading.

H 232, as amended in the Senate, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

S 1004, as amended in the House, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

April 2, 2009

The JUDICIARY AND RULES Committee reports that S 1182 and S 1183 have been correctly printed.

DARRINGTON, Chairman

S 1182 and S 1183 were referred to the Transportation Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1170 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Pearce. Total - 1.

Total - 35.

Whereupon the President declared S 1170 passed, title was approved, and the bill ordered transmitted to the House.

S 1156 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Davis and Kelly arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Pearce. Total - 1.

Total - 35.

Whereupon the President declared [S 1156](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by **H 173**, having been held, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 10 a.m., Friday, April 3, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary